

## HOUSE BILL NO. 425

INTRODUCED BY J. POMNICHOWSKI

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOTICE OF OIL AND GAS LEASE SALES; SETTING A NOMINATION DEADLINE; AND ALLOWING FOR PUBLIC HEARINGS MEETINGS; ~~AND PROVIDING RULEMAKING AUTHORITY TO RECOVER OR OFFSET THE COST OF PROVIDING NOTICE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Notice of lease sale required -- rulemaking authorized for cost recovery.** (1) Within 15 days of the previous oil and gas lease sale, the department shall publish the date and place of the upcoming sale in a publication of general circulation in Montana and on the department's website.

(2) (A) The department shall accept nominations of tracts for an upcoming sale until ~~40~~ 77 days prior to the date of the sale.

(B) UPON RECEIPT OF A NOMINATION BY THE DEPARTMENT, THE LOCATION OF THE TRACTS IS PUBLIC INFORMATION.

(3) The department shall publish a notice containing the time and place of the sale, a statement that all sales will be by competitive oral bidding, and ~~a description of each tract~~ THE NUMBER OF TRACTS IN EACH COUNTY offered for sale at the time of the notice on the department's website and in a publication of general circulation in Montana:

(a) ~~70~~ NOT LESS THAN 63 days before the date of an upcoming sale; and

(b) ~~at least twice not more than~~ BETWEEN 21 DAYS AND 35 days before the date of the sale.

(4) In a publication of general circulation in each county where a tract is nominated for sale, the department shall publish a notice in compliance with the provisions and timeframes of subsection (3), except that each notice must contain ~~a description and an area map~~ THE NUMBER of tracts nominated for sale in that county AND NOTICE THAT A DESCRIPTION AND MAPS OF TRACTS NOMINATED ARE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

(5) THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A DESCRIPTION AND MAPS OF TRACTS TO BE OFFERED FOR SALE.

~~(5) The department also shall provide notice by:~~

~~(a) certified mail to all owners of property located within 1,000 feet of a tract being offered for sale using~~

~~the most current known property owners of record as shown in the records of the county clerk and recorder of the county where the tract is located; and~~

~~—— (b) first-class mail to all owners of property located within between 1,000 feet and 1 mile of a tract being offered for sale using the most current known property owners of record as shown in the records of the county clerk and recorder of the county where the tract is located.~~

(6) (A) EXCEPT AS PROVIDED IN SUBSECTION (6)(B), THE DEPARTMENT SHALL PROVIDE NOTICE BY FIRST-CLASS MAIL TO THE SURFACE OWNER OF A TRACT BEING OFFERED FOR SALE USING THE MOST CURRENT KNOWN PROPERTY OWNERS OF RECORD AS SHOWN IN THE RECORDS OF THE COUNTY CLERK AND RECORDER OF THE COUNTY WHERE THE TRACT IS LOCATED.

(B) THE NOTICE IN SUBSECTION (6)(A) IS NOT REQUIRED IF THE SURFACE IS MANAGED BY THE DEPARTMENT PURSUANT TO TITLE 77, CHAPTER 1.

~~(6)(7)~~ The notice required by subsection ~~(5)~~ (6) must contain the time and place of the sale, a statement that all sales will be by competitive oral bidding, and a description and area map of each tract offered for sale THAT INITIATED THE NOTICE REQUIREMENTS OF SUBSECTION (6).

~~—— (7)(8) The department shall adopt rules to recover or offset the cost of providing notice required by this section.~~

NEW SECTION. Section 2. Option for public hearing MEETING. (1) Public ~~hearings~~ MEETINGS may be held at least 14 days before an upcoming sale.

(2) The department may hold a ~~hearing~~ MEETING on its own initiative or at the request of a county commission in a county where a tract is being offered for sale.

NEW SECTION. SECTION 3. NO APPROPRIATION. IT IS THE INTENT OF THE LEGISLATURE THAT THE REQUIREMENTS OF [THIS ACT] BE CONDUCTED WITHIN EXISTING LEVELS OF FUNDING.

NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. Section 5. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 77, chapter 3, part 4, and the provisions of Title 77, chapter 3, part 4, apply to [sections  
2 1 and 2].

3 - END -